

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

PERRY YATES

PLAINTIFF

V.

CAUSE NO. 3:06CV78-SA

CITY OF EUPORA, MISSISSIPPI

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE
WITHOUT PREJUDICE**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated August 8, 2008, was on that date duly served by mail upon Plaintiff at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been served or filed by any party. The court is of the opinion that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. Therefore, it is

ORDERED:

1) the Report and Recommendation of the United States Magistrate Judge dated August 8, 2008, is hereby APPROVED and ADOPTED as the opinion of the court;

2) Plaintiff's claims are DISMISSED without prejudice as to the Defendant.

SO ORDERED, this the 4th day of November, 2008.

**/s/ Sharion Aycock
U.S. DISTRICT COURT JUDGE**